

Message Text

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PAGE 01 MOSCOW 14997 281538Z
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 INR-10 NSAE-00 L-03 SCS-06
CA-01 HA-05 PA-01 SS-15 SSO-00 NSCE-00 INRE-00
/054 W

-----067793 281550Z /50

O 281531Z JUN 78
FM AMEMBASSY MOSCOW
TO SECSTATE WASHDC NIACT IMMEDIATE 3662
INFO AMCONSUL LENINGRAD
USICA WASHDC

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E.O. 11652: N/A
TAGS: CGEN, SOPN, PROP, UR, US
SUBJECT: SLANDER CHARGES AGAINST TWO U.S. CORRESPONDENTS

REF: MOSCOW 14859

1. PIPER (BALTIMORE SUN) AND WHITNEY (NEW YORK TIMES),
ACCOMPANIED BY EMBASSY CONSULAR OFFICER RICHARD CARTER,
APPEARED IN MOSCOW CITY COURT MORNING OF JUNE 28 FOR
INITIAL HEARING RE SLANDER COMPLAINT BROUGHT AGAINST
THEM BY GOSTELERADIO (REFTEL). HEARING LASTED APPROXI-
MATELY TWENTY MINUTES AND WAS CONDUCTED IN BUSINESS-
LIKE MANNER BY COURT'S CHAIRMAN, LEV YEVGEN'YEVICH
ALMAZOV.

2. CORRESPONDENTS WERE PRESENTED WITH WRITTEN COMPLAINT
SIGNED BY V. LYUBOVTSSEV, ACTING CHIEF EDITOR OF EVENING
TELEVISION NEWS PROGRAM "VREMYA". AS NEWSMEN ANTICI-
PATED, COMPLAINT CONCERNED ARTICLES AUTHORED BY PIPER
AND WHITNEY IN WHICH SOVIET SOURCES CALLED INTO QUESTION
GENUINENESS OF "CONFESSION" BY GEORGIAN DISSIDENT ZVIAD
GAMSAKHURDIA BROADCAST ON "VREMYA" SHOW MAY 19. BASIS
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FOR GOSTELERADIO'S LEGAL ACTION IS ARTICLE 7 OF THE
RSFSR CIVIL CODE, WHICH REFERS TO SLANDER OF AN
INDIVIDUAL OR ORGANIZATION, NOT, AS NEWSMEN HAVE RE-
PORTED, ARTICLE 141 WHICH IS PROCEDURAL ONLY. IF CON-
VICTED, NEWSMEN CAN BE FINED (50-300 RUBLES) AND
ORDERED TO MAKE PUBLIC RETRACTIONS OF SLANDEROUS STATE-
MENTS. BURDEN OF PROOF SEEMS TO BE ON DEFENDENTS TO

SHOW THAT STATEMENTS LEADING TO COMPLAINT ARE NOT IN FACT SLANDEROUS.

3. ALMAZOV INFORMED WHITNEY AND PIPER THAT THEY WERE REQUIRED TO RESPOND IN WRITING TO GOSTELERADIO'S COMPLAINT AT 12:00 ON JUNE 30 AND THAT THEY WOULD HAVE TO APPEAR IN COURT AGAIN ON JULY 5 (ALMAZOV SAID SESSION HAD ORIGINALLY BEEN SCHEDULED FOR JULY 4 BUT HAD BEEN DEFERRED OUT OF RESPECT FOR AMERICAN HOLIDAY). HE ASSURED NEWSMEN THAT THEY WOULD HAVE RECOURSE TO ALL RIGHTS AND GUARANTEES ACCORDED TO SOVIET CITIZENS UNDER ARTICLE 433 OF CODE OF CIVIL PROCEDURE - THAT IS, THE RIGHTS TO CALL WITNESSES, TO BE REPRESENTED BY ATTORNEY AND, IN VIEW OF THEIR BEING FOREIGNERS, TO OBTAIN WHATEVER ASSISTANCE IS LEGALLY AVAILABLE TO THEM FROM THEIR EMBASSY.

4. WHITNEY, WHO HAD BEEN PLANNING TO LEAVE MOSCOW ON VACATION ON JULY 2 (PIPER WAS SLATED TO DEPART FOR SIMILAR REASONS A WEEK LATER), ASKED IF THEIR PHYSICAL PRESENCE WAS REQUIRED FOR THE FURTHER PURSUANCE OF THE SUIT. ALMAZOV REPLIED THAT HE HAD NO POWER TO ORDER WHITNEY TO APPEAR FOR THE JULY 5 HEARING BUT HE DID EMPHASIZE THAT SUCH PRESENCE WOULD BE DESIRABLE. ALMAZOV DID POINT OUT THAT THE PROCEEDINGS COULD BE CARRIED FORTH WITHOUT EITHER OR BOTH AMERICANS. AT LIMITED OFFICIAL USE

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PAGE 03 MOSCOW 14997 281538Z

THE CLOSE OF THE SESSION WITH ALMAZOV, PIPER AND WHITNEY SIGNED RECEIPTS FOR COPIES OF THE COMPLAINT GIVEN TO THEM.

5. TIMES BUREAU CHIEF SHIPLER TELLS US WHITNEY AND PIPER ARE UNDECIDED ABOUT WHETHER TO SHOW UP FOR FURTHER STAGES OF WHAT THEY ASSUME WILL BE A LEGAL FARCE. SINCE PENALTIES ARE LIGHT (AND, IN THE CASE OF PUBLIC RETRACTIONS UNENFORCABLE) AND THE VERDICT ASSUMED TO BE A FOREGONE CONCLUSION, THEY PRESENTLY ARE LEANING TOWARD DISASSOCIATING THEMSELVES FROM THE ENTIRE BUSINESS AND WAITING FOR SOVIETS TO USE THIS AS "ADMISSION" OF THEIR GUILT.

6. COMMENT: WESTERN NEWSMEN FIND IT PARTICULARLY INCOMPREHENSIBLE (AND OMINOUS) THAT THE TWO CORRESPONDENTS ARE BEING SUED FOR WHAT THEIR SOURCES SAID - NEITHER WHITNEY NOR PIPER VENTURED ANY OPINIONS OF THEIR OWN IN THEIR ARTICLES AND THEY ARE IN EFFECT BEING HELD LIABLE FOR SPREADING (I.E. WRITING ABOUT) COMMENTS CRITICAL OF THE SOVIET UNION EXPRESSED BY OTHERS. IN ANY EVENT, THEY ARE TALKING FREELY TO OTHER WESTERN

NEWSMEN ABOUT THE CASE, AND WE SEE NO REASON FOR
EMBASSY COMMENT AT THIS STAGE BEYOND A CONFIRMATION OF
CONSULAR OFFICER'S PRESENCE AT HEARING. TOON

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: JOURNALISTS
Control Number: n/a
Copy: SINGLE
Draft Date: 28 jun 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978MOSCOW14997
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780267-0760
Format: TEL
From: MOSCOW
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780612/aaaaakav.tel
Line Count: 119
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 333b4f7e-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 78 MOSCOW 14859
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2180297
Secure: OPEN
Status: NATIVE
Subject: SLANDER CHARGES AGAINST TWO U.S. CORRESPONDENTS
TAGS: CGEN, SOPN, PROP, UR, US, (WHITNEY, CRAIG), (PIPER, HAROLD)
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/333b4f7e-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014